

REMARKS

On pages 2 - 4 of the Office Action, the Examiner rejected claims 1, 5, 6, and 10-12. under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,467,990 to Montanari et al. This rejection is respectfully traversed and reconsideration and withdrawal thereof are requested.

The Examiner stated that Montanari et al. discloses all of the limitations of independent method claim 1, and that independent device claim 6 includes the same functional limitations as claim 1. Montanari et al. discloses a method for tracking food products to enable verification of product origination and to trace the source of pathogens. The disclosed method includes generation of a Tracking Number (TN) to identify a food product. Labels and tags may be used to identify certain parts or portions at various stages of the process. The Examiner has cited col. 8, ll. 20-34 and ll. 35-45 as well as col. 11, ll. 17-44 and col. 13, ll. 49-67. Contrary to the Examiner's assertions, Montanari et al. does not disclose the elements of the claimed method or device. As discussed, Montanari et al. discloses a way to track the actual food product, e.g. animal. The claimed invention relates to recording and utilizing processing data, product data, relationship data and demand data in order to produce a product.

While Montanari et al. discloses a system for *tracking* a food product, the claimed method and device relates to using data to control the *processing* of a slaughter product. For example, claim 1 requires "recording relationship data relating to at least one relationship between parameter data relating to the at least one parameter of the processing and property data." The Examiner stated that Montanari et al. discloses this element, citing column 11,

lines 17-44. In fact, lines 17-34 disclose recording the feed and feeding locations of animals into a database in order to later determine whether and when an animal ingested certain materials. This is done by keeping track of the location of the animals using the animal's TN. The ability to track grazing practices and performances by keeping a record of location transfers using TN's is also disclosed. Lines 35-44 disclose a way to verify that a particular animal is entitled to a specific designation, such as "natural" or "organic." This is accomplished by recording information relating to the "organic" certification of the pastures and noting it relating to the TN's of the animals in those pastures.

Tracking the location of an animal using a TN and recording that information is not recording relationship data related to at least one relationship between parameter of processing data and property data, as required by the claims. Examples of parameters of processing may include duration of processing, temperature, force, frequency, pressure, electric voltage and electric current or power. See e.g. specification, page 2. Examples of properties of products may include weight, dimensions, composition, etc. See specification, page 5. The relationship between parameters of processing and properties of a product provides a correlation between parameters and properties, so that processing may be controlled by adjusting a processing parameter on the basis of information relating to at least in part on the property data, the relationship data and demand data.

Tracking and recording animal tracking information does not relate to controlling the processing of the slaughter product, as required by the claims. Absent some disclosure in Montanari et al. of this feature of the claims, Montanari et al. cannot anticipate the claims. See Verdegaal Bros v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987) ("A

claim is anticipated only if each and every element as set forth in the claim is found . . . in a single prior art reference.”).

For at least the reasons explained, Montanari et al. does not disclose every limitation of independent claims 1 and 6. The assignee has responded only to the rejections of the independent claims, since the dependent claims are patentable for at least the reasons the independent claims are patentable. The dependent claims may be patentable for additional reasons. Therefore, for at least these reasons all of the grounds of rejection should be withdrawn.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed June 5, 2003. Assignee submits that the claims are allowable for at least the reasons set forth above, and allowance of the claims is respectfully requested.

Please charge any additional fees or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,



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